III. REMARKS

1. Claims 1-4 remain in the application. Claim 1 is amended. Claims 5-7 are new.

2. Applicants respectfully submit that claims 1-4 are patentable over the combination of Little et al. (GB 2350972, "Little") and Miller et al. (US 6,990,338, "Miller") under 35 USC 103(a).

The combination of Little and Miller fails to disclose or suggest:

> testing said user equipment for a set of predetermined parameters prior to boarding an aircraft,
>
> comparing said test results with a predefined criteria to determine a Pass or Fail status regarding an operational suitability of said user equipment with an in-flight communication system, and
>
> communicating said Pass or Fail status and said operator identity to a database accessible by said in-flight communication system,

all as recited by claim 1.

Little discloses a communication arrangement onboard an aircraft that enables aircraft passengers to user their normal mobile phones for communication with ground based parties (Abstract). Little merely discloses that the power radiated by each individual onboard mobile phone can be reduced to a low level while enabling communication to take place through the use of more than one antenna in the single cell defined by the BTS 33 to cover the whole passenger area of the aircraft. Page 12, lines 1-12 and page 13, lines 1-7, cited by the Examiner, describe how power radiated by each onboard phone is reduced to avoid interference with the aircraft systems. Nowhere does Little disclose or suggest testing user equipment for a set of predetermined parameters prior to boarding an aircraft. In addition, there is no comparison of test results with a predefined criteria to determine a Pass or Fail status regarding an operational suitability

of said user equipment with an in-flight communication system. Little simply controls power as in normal GSM practice, where the base station "performs measurements on the power level on the different mobiles and adjusts their levels so that power is approximately equal for each channel burst occupied by the respective mobiles, while at the same time minimizing the overall power level..." Furthermore, there is nothing in Little about communicating the Pass or Fail status and the operator identity to a database accessible by the in-flight communication system.

Miller fails to provide the features missing from Little. Miller describes a wireless local area network adapted for use on a mobile platform. Nowhere does Miller disclose or suggest testing user equipment for suitability with an in flight communication system prior to boarding. At column 4, lines 30-45 Miller merely discloses that phones that do not comply with the standard IEEE 802.11b are excluded from connecting to the WLAN 10. The testing referred to in Miller is not for testing the mobile phones for operational suitability with an in-flight communication system before a user boards the aircraft but is merely the testing performed during the manufacture of the PED to ensure that the PED complies with IEEE 802.11b. With respect to column 5, line 25 through column 7, line 66 and tables 1-3 of Miller, this cited passage and corresponding tables do not describe testing the PED 38 but rather define the operating parameters of the in flight wireless local area network of Miller. Miller also fails to disclose or suggest comparing test results with a predefined criteria to determine a Pass or Fail status regarding an operational suitability of said user equipment with an in-flight communication system. In addition, there is nothing in Miller related to communicating the Pass or Fail status and the operator identity to a database accessible by the in-flight communication system.

At least for these reasons, the combination of Little and Miller fails to render independent claim 1 and dependent claims 2-4 unptentable.

claim d lreast Therefroe Further, claim 3 recites that the set of predetermined parameters includes user equipment power level. Page 12, line 18 through page 13, line 7 of Little mentions "power level" in a context that is different from what is claimed by Applicant. In Little the "power level" refers to the equipment power level as a means

of optimising the onboard communication system where the BSC 34 adjusts the power levels of the mobiles so that the power is approximately equal for each channel burst occupied by the respective mobiles. In Applicant's claims, the "power level" is measured to ensure compliance standard regulations as described in Applicant's specification at page 7, second paragraph. Thus, claim 3 is patentable.

3. Claim 5 is directed to an apparatus for testing a passenger's user equipment that includes a test machine. The test machine is configured to perform the following before the passenger boards an aircraft: access the passenger's information, identify an air interface utilized by the passenger's user equipment, retrieve the identification number of the passenger's user equipment, and test the user equipment for operational suitability with an in-flight communication system. The apparatus also includes a database accessible by the in-flight communication system for receiving from the test machine the identification number of the passenger's user equipment and a Pass or Fail status resulting from the test of the user equipment.

Claims 6 and 7 depend from claim 5.

None of the cited references disclose or suggest the features of claim 5 and thus claims 5-7 are patentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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